

# **EXHIBIT 58**

**In the Matter Of:**

*HENRY v*

*BROWN UNIVERSITY*

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*ANDREW KOENIG*

*February 13, 2024*

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1           A.       I take the feedback that I hear from  
2 Valerie and review it with President DeGioia.

3           Q.       And once you review -- strike the  
4 question.

5                   Are there occasions when the feedback  
6 is objecting to one or more names on the list?

7           MS. MILLER:   Objection, form.

8           A.       Yes.

9 BY MR. GILBERT:

10          Q.       Is that generally the form of the  
11 feedback?

12          MS. MILLER:   Objection.   Form.

13          A.       The feedback that we receive is in  
14 relation to the candidates that are proposed and  
15 Dean Deacon may object or he may offer feedback  
16 that -- on particular candidates to their being  
17 admitted.

18 BY MR. GILBERT:

19          Q.       Okay.

20                   Once you receive the feedback from  
21 Valerie Youmans, what do you do with it?

22          A.       I take that and find a time to speak  
23 with the president and review Dean Deacon's  
24 feedback with the president.

25          Q.       And then what does the president do

1 with the feedback once you give it to him?

2 MS. MILLER: Objection. Form.

3 A. He will review it, consider the  
4 feedback. There are times when, if the dean of  
5 admissions identifies that a particular  
6 candidate is not a good candidate for admission,  
7 he will accept the dean's feedback and that's  
8 fine. Sometimes there are other -- sometimes  
9 the dean of admissions will indicate that it's  
10 possible for a student to be potentially  
11 admitted as a transfer student or some other  
12 form of admission, and so oftentimes the  
13 president will, in reviewing the feedback, if  
14 the dean says, well, this person might be a  
15 candidate for transfer admission, he will review  
16 the feedback and agree with that decision and  
17 proceed that way.

18 BY MR. GILBERT:

19 Q. Approximately how many names a year  
20 does the dean of admission provide feedback on?

21 MS. MILLER: Objection. Form.

22 A. It varies from year to year. I don't  
23 recall specific numbers of how many in any given  
24 year, so I don't have a -- I don't have a hard  
25 number answer. It's, you know, a small handful.

1 BY MR. GILBERT:

2 Q. Is it generally fewer than five?

3 MS. MILLER: Objection, form.

4 A. It varies from year to year. I don't  
5 know if five -- I don't feel comfortable saying  
6 that it's generally fewer than five in a given  
7 year. Again, it varies.

8 BY MR. GILBERT:

9 Q. Is it generally fewer than eight?

10 A. That sounds -- yes, I would say in  
11 the eight-ish range seems fair.

12 Q. When you are generating the 200 or  
13 more names for consideration for the president's  
14 list, do you provide information to the  
15 president concerning the transcript of, that is  
16 the high school transcript or prep school  
17 transcript, of the students on the list?

18 MS. MILLER: Objection, form.

19 A. I do, yes.

20 BY MR. GILBERT:

21 Q. Do you provide the grade point  
22 average or the actual transcript of the student?

23 A. The grade point average.

24 Q. Okay.

25 So the actual academic transcript of

1 the student took these courses and got A, for  
2 example, in this course, and a B in another  
3 course, the president does not see that, he sees  
4 the grade point average, is that correct?

5 MS. MILLER: Objection, foundation.

6 A. That's correct. I do not show the --  
7 I do not have access to the actual transcripts  
8 of the students.

9 BY MR. GILBERT:

10 Q. What about the student essay when the  
11 student applies; does the president, when he's  
12 considering the 200 or so names, see the student  
13 essay in connection with the application?

14 MS. MILLER: Objection to form.

15 A. I don't have access to student essays  
16 to show him.

17 BY MR. GILBERT:

18 Q. And with respect to teacher  
19 recommendations, do you have access to teacher  
20 recommendations when you're formulating the list  
21 of 200 or so for consideration?

22 A. I do not have access to teacher  
23 recommendations.

24 Q. In an admission cycle, when does the  
25 creation of the president's list start for the

1 office?

2 A. She does. But I will say, our events  
3 director, in any event the president hosts, she  
4 would know the list of invitees.

5 Q. Is there a separate list apart from  
6 the 80 names that we've been discussing that you  
7 send to Valerie Youmans in connection with early  
8 action applicants?

9 A. There is.

10 Q. And how is that list generated?

11 A. In a similar manner as described. I  
12 review with the president the list of  
13 recommendations that we've received. He reviews  
14 it. He generates a small -- a very small list.

15 Q. How small is that list?

16 A. Less than five.

17 Q. When you send -- I'm going to refer  
18 to this as the early action president's list for  
19 clarity, okay?

20 A. Got it. Thank you.

21 Q. Do you compose an early action  
22 president's list of more than five names that  
23 you show to the president?

24 A. I don't assemble a list of names  
25 for -- I don't assemble a list of names for

1 consideration for admission to show it to the  
2 president. I show him the, you know, what I'll  
3 call "tracking list" of everybody that we've  
4 received recommendations for up to that point,  
5 which then he reviews and generates this early  
6 action -- what we call the early action  
7 president's list.

8 Q. Okay.

9 So do you send him a list of every  
10 early action applicant about whom  
11 recommendations have been received?

12 MS. MILLER: Objection, form,  
13 foundation.

14 A. I send -- yes, I send him -- I share  
15 with him a list of the individuals about whom  
16 we've received recommendations who are applying  
17 to the early action cycle.

18 BY MR. GILBERT:

19 Q. And in a given year, what is the  
20 approximate size of the list that you share with  
21 the president for his consideration?

22 A. During the early action cycle?

23 Q. Correct.

24 A. I don't recall a specific or  
25 particular number. It's smaller than the list



1 for the regular decision cycle, only because  
2 it's a smaller pool of applicants.

3 I don't have a specific number. I  
4 know it varies from year to year, but I don't  
5 want to guess.

6 Q. Would it generally be fewer than 100?

7 A. You know, I don't really know the  
8 number. I don't -- it's around the 100 mark,  
9 but I don't know if, from year to year, it's  
10 under, over.

11 Q. All right. I'm going to try to ask  
12 similar questions about the wait list. So we'll  
13 refer to that as the president's wait list,  
14 okay?

15 A. Yes.

16 Q. The president's wait list -- strike  
17 that.

18 Is there a president's wait list?

19 A. Yes.

20 Q. And about how many names typically  
21 are on the president's wait list?

22 A. A small number. I don't recall the  
23 exact number. I would say that it's greater  
24 than early action, certainly less than the  
25 president's list that we described for regular

1 decision. And it varies from year to year.

2 Q. Going back to the early action  
3 president's list, after you've sent him, say,  
4 about a hundred names, do you then have a  
5 meeting with him in which he says, These are the  
6 five or so that should be on the early action  
7 president's list?

8 MS. MILLER: Objection, form,  
9 foundation.

10 A. It varies from year to year. That's  
11 often one and the same. Like, it may be the  
12 same instance, where I'm sharing the list, and  
13 he may review it at that time or may -- it  
14 varies from year to year, but I don't always --  
15 it's not necessarily two separate meetings or  
16 two separate instances.

17 BY MR. GILBERT:

18 Q. When you share a list that you've  
19 raised for the president do you physically hand  
20 him a printout, or do you send it to him  
21 electronically?

22 A. It's a printed version.

23 Q. And then does he mark up the printed  
24 version and hand it back to you?

25 A. That's right. He'll offer his

1 Q. That's all I needed to clarify.

2 MS. MILLER: Anything else?

3 MR. GILBERT: I have further  
4 questions with respect to that.

5 FURTHER EXAMINATION BY MR. GILBERT:

6 Q. So the regular decision president's  
7 list has approximately 80 names on it; is that  
8 correct?

9 A. Yes, as best as I can recall, around  
10 that number, although I don't know exactly, so I  
11 don't recall exactly how many. Certainly it  
12 varies from year to year.

13 Q. And there are a few additional names  
14 over and above the 80 on the early action list;  
15 is that right?

16 A. Yes, that's correct.

17 Q. And there's a few additional names  
18 over and above the 80 in the early action list  
19 on the president's list for the wait list; is  
20 that right?

21 A. In my experience and it varies year  
22 to year there are sometimes additional names for  
23 the wait list, though I don't recall how many or  
24 how often.

25 Q. And are there sometimes additional

1 names for the president's list for transfer  
2 students?

3 A. Again, as best I recall, some years,  
4 yes, though I don't recall whether that's every  
5 year or not.

6 Q. I have no more questions for this  
7 witness at this time.

8 MS. MILLER: We'll conclude the  
9 deposition. We'll mark it as Highly  
10 Confidential Outside Attorneys' Only and  
11 reserve signature.

12 VIDEOGRAPHER: Off the record at  
13 6:40. That ends today's testimony.

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